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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,037	07/13/2001	Zine Eddine Boutaghou	STL 9721	2226

7590 01/14/2005

Seagate Technology LLC
Intellectual Property Department
7801 Computer Avenue
South-NRW097
Bloomington, MN 55435

EXAMINER

VINH, LAN

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,037	BOUTAGHOU, ZINE EDDINE	
	Examiner	Art Unit	
	Lan Vinh	1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 10-13, 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 14, 15, 18, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8312001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The after-final amendment filed on 1/3/2005 has been entered. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Brand et al (US 5,853,959). A discussion of the rejection follows.

Drawings

2. The drawings were received on 1/3/2005. These drawings are fig 2, 3, 4 and 18.

The drawings (fig. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17) are objected to under 37 CFR 1.83(a) because they fail to show the referral numbers as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional

Art Unit: 1765

replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-8, 14-15, 18-19, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Brand et al (US 5,853,959).

Brands discloses a method for fabricating a contoured slider surface feature comprises the steps of:

forming/positioning a patterned resist mask layer 234 over the structure/device 236, wherein the mask 234 exposes a surface of the device 236 (col 7, lines 60-64, fig. 10 B)

ion milling/etching to etch the pattern into a surface of the structure/device 236 to form one sidewall and a round slope/edge between the exposed surface on the device and one sidewall in the pattern (col 7, lines 66-67, fig. 10 C)

Art Unit: 1765

Regarding claim 2, Fig. 10C also shows the rounded edge/arcuate edge extends along the sidewall

Regarding claim 3, Brands discloses using ion milling etching to etch recessed features/openings in the substrate/device (fig. 10 C)

Regarding claim 5, Fig. 10 C shows the ion milling step forms an island, the sidewall located on an edge of the island

Regarding claims 6-9, Fig. 10 B-C shows the patterned mask is formed with variable spacing to produce the rounded slope and varied rounded slopes, the mask is formed with spacing that are closer near the surface of the device and more widely spaced near the sidewall

The limitations of claims 14-15 have been discussed above

Regarding claim 18, Brands discloses the step of forming/applying resist mask layer 234 to the surface of the substrate/device 236 (col 7, lines 60-61)

Regarding claim 19, Fig. 2B shows that the device comprises more than one layer and Fig. 10 C shows that the ion milling step etches into one layer of the substrate

Regarding claim 21, Brands discloses that the device is a slider (col 2, lines 64-65)

Allowable Subject Matter

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 1765

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, the cited prior art of record fails to disclose the step of inserting a mating element into the opening on the device such that the rounded edge formed during the etching step permits the mating element to be inserted into an opening in the device without fracturing the device, in combination with the rest of the limitations of claim 4.

Response to Arguments

6. Applicant's arguments filed 1/3/2005 with respect to claims 1-3, 5, 6-9, 14-15, 18-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Vinh whose telephone number is 571 272 1471. The examiner can normally be reached on M-F 8:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571 272 1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LV

January 11, 2005